

**MORDECHAI I. LIPKIS, ESQ.**

350 BROADWAY, SUITE 1105  
NEW YORK, NY 10013

TELEPHONE: 212-925-4023  
FACSIMILE: 212-925-4702  
E-MAIL: mlipkis@mlipkis.com

January 4, 2012

*Via ECF and FedEx*

Hon. Esther Salas, U.S.D.J.  
United States District Court for the District of New Jersey  
M.L. King, Jr. Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: BanxCorp v. Bankrate, Inc., Civ. No. 07-3398 (ES)(CLW)**

Dear Judge Salas:

We write on behalf of Plaintiff BanxCorp and are pleased to enclose a courtesy copy of the Fifth Amended Complaint<sup>1</sup>, with Exhibits A-K and Certificate of Service, filed today via ECF pursuant to the Court's Opinion dated December 30, 2011 (Dkt. No. 298).

Respectfully submitted,



Mordechai I. Lipkis

Enclosure(s)

cc: Hon. Cathy L. Waldor, U.S.M.J. (*via ECF and FedEx*)  
All Counsel of Record (*via ECF*)

---

<sup>1</sup> An analysis under both the “*per se*” and “rule of reason” standards can be found under a section entitled “Defendant’s Conduct in Restraint of Trade under Section 1 of the Sherman Act” at paragraphs 207-263 (pages 68-92). The amended First claim is at page 101. The beginning portion of the Fifth claim pertaining to Section 56:98-3 of the New Jersey Antitrust Act had to be harmonized with the First claim.